

Message Text

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64

ACTION L-03

INFO OCT-01 EUR-25 NEA-10 IO-13 ADP-00 OIC-04 CAB-09

CIAE-00 COME-00 DODE-00 EB-11 INR-10 NSAE-00 RSC-01

FAA-00 DOTE-00 AF-10 ARA-16 EA-11 SS-15 NSC-10 PA-03

USIA-15 PRS-01 SCA-01 JUSE-00 SY-10 USSS-00 RSR-01

/180 W

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R 011524Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 0557

INFO AMCONSUL MONTREAL

AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: FIFTH REPORT OF
USDEL - AUGUST 31

MONTREAL FOR US REP ICAO

PASS TO: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. SHORT PLENARY MEETING OF CONFERENCE CONVENED TO
REFER NORDIC, SOVIET, LEBANESE AND BELGIAN PROPOSALS
(AGENDA ITEMS 9, 10, 11 AND 12) TO THE COMMISSION OF THE
WHOLE FOR CONSIDERATION. WHEN COMMISSION CONVENED, CONSI-
DERABLE DISCUSSION ENSUED ON WHETHER ITS MEETINGS SHOULD
BE OPEN OR IN CAMERA. FINALLY A LARGE MAJORITY VOTED TO
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ACCEPT A FRENCH PROPOSAL TO START THE MEETINGS IN PUBIC AND

LATER, IF THE NATURE OF THE DISCUSSIONS SO REQUIRED,
CLOSE THEM.

2. IN ACCORDANC WITH ARGENTINE PROPOSAL, EACH SPONSOR THEN PRESENTED ITS PROPOSAL. SWEDEN, IN PRESENTING NORDIC PROPOSAL (CAS DOC. NO. 4), EMPHASIZED THAT IT WAS TABLED LAST JANUARY AFTER ICAO LEGAL COMMITTEE HAD TAKEN A NUMBER OF VOTES ON PRINCIPLES AND THAT THEREFORE IT HAD BEEN DRAFTED IN ACCORDANCE WITH THE MAJORITY VIEWS EXPRESSED IN THOSE VOTES. SWEDEN CONSIDERED IT WOULD BE POSSIBLE TO SOLVE THE PROBLEM OF UNLAWFUL INTERFERENCE BY ACTS OF STATES THROUGH NORDIC PROPOSAL; EMPHASIZED THIS CONVENTION WOULD NOT IMPOSE ANY OBLIGATIONS ON CONTRACTING STATES SO THAT COVERAGE COULD BE EXTENDED TO NON-CONTRACTING STATES; DESCRIBED USE OF ICAO COUNCIL IN VIEW OF ARTICLE 55 OF CHICAGO CONVENTION AND SUGGESTED 40 AS THE NUMBER OF RATIFICATIONS WHICH WOULD BE REQUIRED TO BRING IT INTO FORCE.

3. BELGIUM, IN PRESENTING ITS PROPOSAL (CAS DOC. NO. 12) COULD ACCEPT TRANSMISSION OF COMMISSION OF EXPERTS DECISIONS TO COUNCIL IN A NEW CONVENTION. HE ALSO ADVOCATED THE USE OF GENERAL RATHER THAN SPECIFIC LANGUAGE IN ORDER TO COVER NEW UNLAWFUL ACTS BEYOND THOSE COVERED BY HAGUE AND MONTREAL. BELGIUM BELIEVED ANY AMENDMENT TO CHICAGO CONVENTION SHOULD BE FAR MORE EXTENSIVE THAN PREVIOUSLY ENVISAGED AND THAT A NEW CONVENTION SHOULD SERVE AN EXPERIMENTAL PURPOSE BEFORE IT WAS DECIDED TO AMEND CHICAGO, WHICH WAS IN THE NATURE OF A CONSTITUTION.

4. USSR SAID INDEPENDENT CONVENTION AND ITS PROPOSALS FOR PROTOCOLS TO HAGUE AND MONTREAL CONVENTIONS (CAS DOC. 5, REVISION 2, AND DOC. 15 REVISED) CAN BOTH BE ADOPTED BY THE CONFERENCE.) EXTRADITION WOULD NOT BE REQUIRED IN CASE OF NATIONAL OF STATE WHERE INCIDENT OCCURRED. EXTRADITION WOULD BE SUBJECT TO LAWS OF THE STATE REQUESTED UNLESS THE STATE; (COMMENT: THUS EXTRADITION WOULD NOT BE REQUIRED WHERE SUCH LAWS (I.E. LEGISLATION, TREATIES, COURT DECISIONS) PROHIBITED EXTRADITION OF CERTAIN CATEGORIES OF PERSONS). THE PROTOCOL WOULD BE OPTIONAL.

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5. JAPAN PRESENTED ITS IDEA OF LINKING TWO INSTRUMENTS. AN INDEPENDENT CONVENTION WOULD EVENTUALLY BE TAKEN OVER BY AMENDMENTS TO CHICAGO CONVENTION. HOWEVER, THIS POSSIBLE ONLY IF THEY HAVE SIMILAR MACHINERY FUNCTIONING IN A SIMILAR MANNER. THIS COULD BE ACCOMPLISHED BY THE UK/FRENCH/SWISS PROPOSAL AS AMENDED BY THE NETHERLANDS PROPOSAL (A20-WP/4 AND WP/5).

6. CANADA BELIEVED INDEPENDENT CONVENTION SHOULD BE KEPT IN LINE WITH ORIGINAL TWO-STEP PROCEDURE SUGGESTED WITH (1) COMMISSION OF EXPERTS (COMPOSED AS PROPOSED BY BELGIANS) AUTOMATICALLY ACTIVATED ON COMMISSION OF OFFENCE COVERED BY TOKYO, HAGUE OR MONTREAL CONVENTIONS AND REQUEST OF CONTRACTING STATE; (2) EXPERTS WOULD HAVE RECOGNIZED COMPETENCE IN CIVIL AVIATION AND INTERNATIONAL LAW; (3) THE FINAL COMMISSION OF EXPERTS REPORT SHOULD BE SERVED ON ALL INTERESTED PARTIES AND THE ICAO COUNCIL; (4) THE ICAO COUNCIL SHOULD CONSIDER THE REPORT AND MAKE RECOMMENDATIONS (A CONVOCAION OF STATES SHOULD BE CALLD IF THE COUNCIL FAILED TO ACT); (5) THE PRESIDENT OF THE ICAO COUNCIL OR THE ICAO SECRETARY GENERAL SHOULD BE GIVEN AN OPPORTUNITY TO USE HIS GOOD OFFICES TO SETTLE DISPUTES; (6) CONVOCAION OF STATES SHOULD CONSIDER THE RECOMMENDATIONS OF THE NON-POLITICAL FACT FINDING COMMISSION. CANADA STATED ITS RECOGNITION THAT A POLITICAL DECISION OF ACTION TO BE TAKEN SHOULD BE LEFT FOR THE ICAO COUNCIL, WITH THE COMMISSION ONLY TO DETERMINE AND PUBLISH THE FACTS. THE RATIFICATION FORMULA MUST STRIKE A BALANCE BETWEEN THE URGENCY OF ENTRY INTO FORCE AND AN ASSURANCE OF PARTICIPATION BY STATES REPRESENTATIVE OF ALL GROUPS.

7. GREEK PROPOSAL (CAS DOC. NO. 16) (TO INCLUDE AIRPORT ATTACKS UNDER MONTREAL CONVENTION) WAS ADDED TO THE AGENDA. FRENCH PROPOSED PROCEDURAL PROCESS OF RECONVENING IN PLENARY FOR THE PURPOSE OF REFERRING THE PROPOSAL TO THE COMMITTEE OF THE WHOLE.

8. THERE FOLLOWED A LONG PROCEDURAL DEBATE AS TO ORDER OF FURTHER DISCUSSIONS. IT WAS ULTIMATELY CONCLUDED TO CONSIDER SOVIET/GREEK PROPOSALS TUESDAY AND NORDIC/BELGIAN

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PROPOSALS THURSDAY. (ASSEMBLY MEETS MONDAY AND WEDNESDAY). CHAIR WOULD HAVE DISCRETION TO DECIDE FURTHER ORDER OF DISCUSSION AT END OF THURSDAY SESSION. THIS WAS COMPROMISE BETWEEN SOVIET PROPOSAL (SUPPORTED BY U.S.) OF ALTERNATE DAY CONSIDERATION, AND BARBADOS PROPOSAL TO CONSIDER SOVIET/GREEK FIRST FOLLOWED BY NORDIC/BELGIUM. SENEGAL (DIALLO) SUGGESTED THAT FOLLOWING PRELIMINARY DISCUSSIONS ALL PROPOSALS SHOULD BE SUBMITTED TO WORKING GROUPS. CONGO PRESSED FOR FULL DISCUSSION AND DECISION ON EACH PROPOSAL. INDIA, UGANDA AND KENYA PROPOSED DISCUSSION OF NORDIC/BELGIUM FIRST. QATAR ULTIMATELY PROPOSED THAT DECISION ON PROCEDURE BE LEFT TO THE CHAIR. COMING AT END OF LONG-WINDED DEBATE, QATAR PROPOSAL WAS GREETED BY LOUD APPLAUSE THROUGH CONFERENCE ROOM. CHAIRMAN, SHOWING PLEASURE AT THIS MANDATE, PROMPTLY SCHEDULED MEETINGS AS INDICATED ABOVE.

9. INDIA STATED ITS SUPPORT OF JAPAN'S CONCEPT OF INTERIM MEASURES TERMINATING AT SUCH TIME AS THE CHICAGO CONVENTION AMENDMENTS COME INTO FORCE.

10. EB/OA/AVP PLS PASS TO ATA AND ALPA (JACK BAVIS).VOLPE

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